

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: _____)
Jeffrey W. Baxter, et al.)
Application No. _____)
Filed: November 18, 2003)
For: APPARATUS AND METHOD FOR)
MINIMALLY INVASIVE SURGERY)
USING ROTATIONAL CUTTING TOOL)

Examiner: Not yet assigned
Art Unit: Not yet assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

Applicant hereby requests consideration of the enclosed Information Disclosure Statement pursuant to 37 C.F.R. §1.97(b). Attached are the PTO Forms 1449 and Forms 892 from the parent application filed on March 9, 2000 (Serial No. 09/522,254) and from the continuation application filed on December 17, 2001 (Serial No. 10/022,680). These previous applications are relied upon for an earlier filing date under 35 U.S.C. §120.

Pursuant to C.F.R. §1.98(d), copies of the references are not being provided herewith since they were previously sent to the Patent and Trademark Office. Please consider these cited documents in the currently pending §1.53(b) continuation application filed on November 18, 2003.

EXPRESS MAIL CERTIFICATE OF MAILING

"Express Mail" mailing label number: EV 336 583 553 US Date of Deposit: November 18, 2003
I hereby certify that I am causing this paper or fee to be deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on the date indicated above and that this paper or fee has been addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Connie Thayer
(Typed or printed name of person
mailing paper or fee)

Connie Thayer
(Signature of person mailing paper or fee)

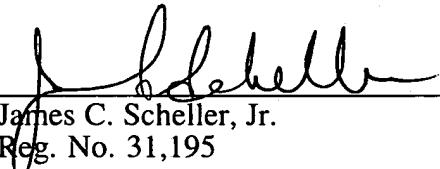
11-18-03
(Date signed)

Pursuant to 37 C.F.R. § 1.97, the submission of this Information Disclosure Statement is not to be construed as a representation that a search has been made and is not to be construed as an admission that the information cited in this statement is material to patentability.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 11/18, 2003


James C. Scheller, Jr.
Reg. No. 31,195

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute For Form 1449A/PTO (Modified 5-19-2000)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p>(use as many sheets as necessary)</p>		Complete if Known		
		Application No		09/522,254
		Filing Date		March 9, 2000
		First Named Inventor		OCT 03 2000 Jeffrey W. Baxter, et al.
		Group Art Unit		3731
Examiner Name		Not Yet Assigned		
Sheet 1 of 6		Attorney Docket Number	004131.P005	

U.S. PATENT DOCUMENTS

Examiner Initials*	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication	Filing date if Appropriate
			Cited Document MM-DD-YYYY	
M	5,954,720	Wilson, et al.	09-21-1999	10-01-1997
M	5,951,549	Richardson, et al.	09-14-1999	12-20-1996
M	5,891,141	Rydell	04-06-1999	04-23-1998
M	5,860,975	Goble, et al.	01-19-1999	12-15-1995
M	5,817,013	Ginn, et al.	10-06-1998	03-19-1996
M	5,766,166	Hooven	06-16-1998	02-01-1996
M	5,573,424	Poppe	11-12-1996	02-09-1995
M	5,540,685	Parins, et al.	07-30-1996	05-05-1995
M	5,462,546	Rydell	10-31-1995	02-05-1993
M	5,445,638	Rydell, et al.	08-29-1995	07-16-1993
M	5,356,408	Rydell	10-18-1994	07-16-1993

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	Translation? Yes/No
AJ	Innovative Healthcare Devices, Inc., Product Information Sheet For STATLase-SDL™, 2 pages, date unknown.	
GT	Product Information Sheet, ENDO-AID™ Suction Irrigation Devices, July 1997, 2 pages.	
M	Product Information Sheet, LifeQuest, Dexterity Pneumo Sleeve, date unknown, 1 page.	

Examiner <i>AJ</i>	Date Considered 8/24/01	RECEIVED OCT 5 2001 MAIL ROOM
-----------------------	----------------------------	-------------------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature <i>Alay M. John</i>	Date Considered 8/25/01
---	----------------------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute For Form 1449A/PTO (Modified 5-19-2000)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>	<i>Complete if Known</i>	
	Application No.	O I P E 09/522,254
	Filing Date	SC115 March 9, 2000
	First Named Inventor	OCT 03 2000 Jeffrey W. Baxter, et al.
	Group Art Unit	3731
Examiner Name	Not Yet Assigned	
Sheet 2 of 6	Attorney Docket Number	004131.P005

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s).	Translation? Yes/No
NY	Production Information Sheet, SST, Double Action Clip Applier, date unknown, 1 page.	TC 3700 OCT-6
NY	Everest Medical, Web page, Molly 3mm Bipolar Forceps, 1998, 2 pages.	RECEIVED
NY	Apple Medical Corporation, Web page, Bipolar Forceps, 1997, 2 pages.	MAR

Examiner 

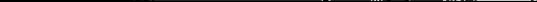
Date Considered

8/25/01

TC 3700 MAIL ROOM

RECEIVED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature		Date Considered	8/25/01
-----------------------	---	--------------------	---------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information, unless it contains a valid OMB control number.

<p>Substitute For Form 1449A/PTO (Modified 5-19-2000)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>	<i>Complete if Known</i>	
	Application No	O I P E 09/522,254
	Filing Date	SCT 15/03/2000 March 9, 2000
	First Named Inventor	Jeffrey W. Baxter, et al.
	Group Art Unit	3731
	Examiner Name	Not Yet Assigned
Sheet 3 of 6	Attorney Docket Number	004131.P005

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s).	Translation? Yes/No
<i>bj</i>	Apple Medical Corporation, Web page, Fischer Cone Biopsy Devices, 1997, 2 pages.	TC 3700 OCT -6 ALL
<i>bj</i>	Apple Medical Corporation, Web page, Scissors, date unknown, 1 page.	RECEIV
<i>bj</i>	Apple Medical Corporation, Web page, Hunt Organizer and Ureteral Illuminator, date unknown, 2 pages	

Examiner		Date Considered	8/25/01	ED	2000	ROCK
----------	---	-----------------	---------	----	------	------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute For Form 1449A/PTO (Modified 5-19-2000)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>	<i>Complete if Known</i>	
	Application No.	09/522,254
	Filing Date	March 9, 2000
	First Named Inventor	OCT 03 2000 PATENT & TRADEMARK OFFICE SC 15 Jeffrey W. Baxter, et al.
	Group Art Unit	3731
Examiner Name	Not Yet Assigned	
Attorney Docket Number	004131.P005	

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	Translation? Yes/No
kj	ValleyLab, Web page, Disposable Electrosurgery with Handswitch – Suction and Irrigation, date unknown, 1 page.	
kj	Elmed, Web page, Bipolar Forceps for Tubal Coagulation, date unknown, 4 pages.	
kj	Everest Medical, Web page, WWW. everestmedical.com, 1996, 1 page.	

Examiner 	Date Considered 8/25/01
---	----------------------------

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute For Form 1449A/PTO (Modified 5-19-2000)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>	<i>Complete if Known</i>	
	Application No	O I P E 09/522,254
	Filing Date	SC157 March 9, 2000
	First Named Inventor	OCT 13 2000 PATENT & TRADEMARK OFFICE U.S.A. C Jeffrey W. Baxter, et al.
	Group Art Unit	3731
	Examiner Name	Not Yet Assigned
Sheet 5 of 6	Attorney Docket Number	004131.P005

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

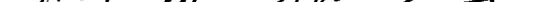
Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	Translation? Yes/No
<i>ay</i>	Everest Medical, Web page, WWW. everestmedical.com/Products.HTML, date unknown, 1 page.	
<i>ay</i>	Everest Medical, Web page, WWW. everestmedical.com, BiSNARE® Bipolar Polypectomy Snare, 1996, 2 pages.	
<i>lg</i>	Everest Medical, Web page, BiCOAG® Probe, 1996, 2 pages.	

Examiner 

Date Considered

considered
8/25/01

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature		Dat Considered	8/25/01
--------------------	---	----------------	---------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<p>Substitute For Form 1449A/PTO (Modified 5-19-2000)</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p> <p><i>(use as many sheets as necessary)</i></p>	<i>Complete if Known</i>	
	Application No.	O I P E 09/522,254
	Filing Date	MARCH 9, 2000
	First Named Inventor	OCT 03 2000 Jeffrey W. Baxter, et al.
	Group Art Unit	PATENTS 3731
	Examiner Name	TRADEMARKS Not Yet Assigned
Sheet 6 of 6	Attorney Docket Number	004131.P005

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

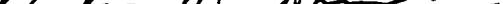
Examiner Initials*	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Translation? Yes/No
	Office or Country	Number	Date			

OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)

Examiner Initials*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), publisher, city and/or country where published (if title of the item known). (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s),	Translation? Yes/No
	Everest Medical, Web page, BiLAP® Bipolar Cutting and Coagulating Probes, 1996, 2 pages.	
	Everest Medical, Web page, BiLAP® Bipolar Needle Electrode, 1996, 2 pages.	
	Everest Medical Home Web page, www.everestmedical.com , 1996, 1 page.	

Examiner _____ **Date Considered** _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Examiner Signature		Date Considered	8/25/01
--------------------	---	-----------------	---------

*EXAMINER: Initial if ref. reace considered, whether or not citation is in conformance with MPEP 609. Draw through citation if not in conformance and not considered. Includ copy of this form with next communication to applicant.

Notice of References Cited

 Application/Control No.
 09/522,254

 Applicant(s)/Patent Under
 Reexamination
 BAXTER ET AL.

 Examiner
 Hank Johnson

 Art Unit
 3739

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification	
	A	US-6,010,477	01-2000	Bays	604	22
	B	US-5,849,023	12-1998	Mericle	606	180
	C	US-5,810,809	09-1998	Rydell	606	49
	D	US-5,651,781	07-1997	Grace	606	1
	E	US-5 527 331	06-1996	Kresch et al	606	170
	F	US-5,437,630	08-1995	Daniel et al	604	22
	G	US-5,411,514	05-1995	Fucci et al	606	180
	H	US-5,364,395	11-1994	West, Jr.	606	46
	I	US-5,190,541	03-1993	Abele et al	606	46
	J	US-				
	K	US-				
	L	US-				
	M	US-				

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)

Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

Notice of References Cited

Application/Control No.

10/022,680

Applicant(s)/Patent Under

Reexamination

BAXTER ET AL.

Examiner

Henry M Johnson, III

Art Unit

3739

Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-5,810,809	09-1998	Rydell, Mark A.	606/46
	B	US-5,437,630	08-1995	Daniel et al.	604/22
	C	US-5,217,479	06-1993	Shuler, Donald K.	606/180
	D	US-3,945,375	03-1976	Banko, Anton	606/49
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)

*	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
 Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

